

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
DEMOS P. DEMOPOULOS, STEPHEN MALONE,
:
and MICHAEL SPINELLI, as Union Trustees and
:
Fiduciaries of the LOCAL 854 PENSION FUND and
:
the LOCAL 854 HEALTH AND WELFARE FUND,
:
:

Plaintiffs,
:
:

v.
:
:

JOHN CURCIO, WILLIAM CASSESE, and
:
KENNETH BARRETT, as Employer Trustees of the
:
LOCAL 854 PENSION FUND and the LOCAL 854
:
HEALTH AND WELFARE FUND,
:
:

Defendants.
:
:
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ORDER
20-CV-1208 (WFK) (PK)

WILLIAM F. KUNTZ, II, United States District Judge:

On February 6, 2023, Magistrate Judge Peggy Kuo filed a Report and Recommendation recommending the Court (1) deny Defendants' motion to dismiss Plaintiffs' fourth cause of action, (2) grant Defendants' motion to compel arbitration of all claims in the Amended Complaint, and (3) stay this action pending the arbitrator's decision. ECF No. 43. Plaintiffs did not file objections to the Report and Recommendation, which were due by February 20, 2023.

When no objections have been filed, the Court reviews a Report and Recommendation for clear error. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). Finding no such error here, the Court adopts Judge Kuo's Report and Recommendation in its entirety. Accordingly, the Court DENIES Defendants' motion to dismiss, GRANTS Defendants' motion to compel arbitration of all claims in the Amended Complaint, and STAYS this action pending arbitration.

SO ORDERED.

s/ WFK

Dated: February 21, 2023
Brooklyn, New York


HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE